



ORDINANCE NO. 2022-01

AN ORDINANCE AMENDING CHAPTER 229, WATER, OF THE BRIDGEVILLE CODE TO ADD ARTICLE VI, RELATING TO CROSS-CONNECTION CONTROL ASSEMBLIES FOR THE PROTECTION OF PUBLIC POTABLE WATER SUPPLIES

WHEREAS, improperly protected water systems expose the public potable water supply to contamination which may be hazardous to the public health and safety; and

WHEREAS, Delaware Department of Health and Social Services, Division of Public Health, 16 DE Administrative Code 4462, Section 21, requires all community water systems to establish and implement a routine cross-connection control program to detect and control cross-connections and prevent backflow of contaminants into the water system; and

WHEREAS, such program shall provide that upon detection of a prohibited cross-connection, both community and non-community water systems shall either eliminate the cross-connection, ensure that appropriate backflow prevention is installed to prevent backflow into the public water system, or discontinue water service until the contaminant source is eliminated; and

WHEREAS, whenever an actual or potential cross-connection is detected, a community water system must require the installation of an appropriate backflow prevention device or must discontinue service.

NOW, THEREFORE, BE IT ORDAINED by the Commissioners of Bridgeville, as follows:

Section 1. Amend Chapter 228 of the Bridgeville Code by adding thereto Article VI, Cross Connection Control, as follows:

ARTICLE VI

Cross Connection Control

§ 228-18. - Cross-Connection Control Program established.

a) The Town hereby establishes a cross-connection control program pursuant to, and in conformance with the Delaware Department of Health and Social Services, Division of Public Health, "16 Delaware Code Section 4462 , Section 21.0 Cross Connection Control, " as may be amended from time to time and which is incorporated

1 herein by reference. If any conflicts exist between the Town's cross- connection control
2 program and the Delaware Administrative Code, the more restrictive regulations shall
3 govern.

4 b) The requirements of this Cross-Connection Control Program are intended
5 to meet or exceed the relevant requirements contained in the Delaware Plumbing Code
6 (IPC 2018) as well as the technical specifications and the installation, repair and
7 maintenance requirements contained in the American Water Works Association (AWWA)
8 M1 4 Manual, Third Edition, 2004, entitled, "Recommended Practice for Backflow
9 Prevention and Cross-Connection Control."

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11 **§ 228-19- Cross-Connection Control Plan adopted; compliance required.**

12 The Town Manager or designee shall promulgate a manual which shall be known
13 as the "Town of Bridgeville Cross-Connection Control Plan" (the "Plan"), which manual
14 is hereby adopted and incorporated by reference herein, and which may be updated and
15 amended by the Town Manager or designee from time to time. Compliance with the Plan
16 and the cross-connection control program set forth therein is hereby required, and it is
17 prohibited and unlawful to act in any manner that is inconsistent therewith.

18
19 **§ 228-20. Inspections.**

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21 The Town Manager or designee is granted the authority to inspect any and all water
22 service connections served by the public potable water supply, and to take appropriate
23 action to ensure the integrity of the potable water system. The frequency of inspections and
24 re-inspections based on potential health hazards involved shall be established in the Plan,
25 and in accordance with applicable State regulations. Duly authorized representatives of the
26 Town shall be permitted to enter any building, structure, or property served by a connection
27 to the public potable water supply system of the Town to inspect for actual or potential
28 cross- connections or water quality, to test backflow preventers, to conduct health hazard
29 assessments, to inspect reclaimed water or reuse water systems, and to identify hazards that
30 could contaminate the public potable water supply system. Granting reasonable access to

the Town and its agents to enter private property for such inspections in order to administer the cross-connection control program is a condition of receiving Town utility service.

§ 228-21. - Discontinuance of service.

The Town Manager or designee is hereby authorized and directed to discontinue potable water service to any property, wherein any connection in violation of the cross-connection control program exists, and to take such other precautionary measures deemed necessary to eliminate any danger of contamination to the public potable water supply system. Water services to such property shall not be restored until the actual or potential cross-connection has been eliminated or until an appropriate backflow prevention device has been installed in compliance with the provisions of this cross-connection control program.

§ 228-22. - Testing, maintenance, and records: customer responsibility.

a) All testable backflow prevention assemblies shall be tested initially upon installation to be sure that the assembly is working properly. Subsequent testing of assemblies shall be conducted at least once every year for all service connections.

b) The Town shall be responsible for the installation, testing, maintenance, repair, and/or replacement of required backflow prevention devices for all residential service connections. Residential service connection customers required to utilize a backflow prevention device shall be assessed a service charge.

c) Water customers with non-residential service connections shall bear all expense of installing, testing, and maintaining the protective devices required by the cross-connection control program to ensure proper operation on a continuing basis. Installation, testing, and maintenance of protective devices shall be conducted by certified personnel approved by the Town, and in accordance with the requirements set forth in the Plan. Non-residential service connection customers shall keep records on testing, maintenance, and repair activities related to cross-connection control and shall make such records available to the Town or its agents upon request. Copies of all testing, maintenance, and repair records shall be reported to the Town pursuant to the procedures set forth in the Plan.

§ 228-23. - Authority to bill customers.

The Town is authorized to bill water customers or property owners an amount equal to that incurred by the Town to perform services required by this cross-connection control program. This includes, but is not limited to, costs incurred by Town employees and third parties retained by the Town.

§ 228-24. - Other codes and regulations.

This cross-connection control program does not supersede the Delaware Plumbing Code, the Delaware Department of Health Plumbing Rules, or any local plumbing ordinance but is supplementary to them, provided that where conflicts exist, the more restrictive provision shall apply.

§ 228-25- Violations and penalties.

Violation of the cross-connection control program may be prosecuted or enforced by any or all of the following measures:

(a) The issuance of a code citation, requiring the water customer to cure the violation or face daily fines, pursuant to Article II, Section 11-11, et seq., Penalties, of the Town Code, with each day or fraction thereof in which the violation continues being considered a separate offense:

(b) The filing of a complaint for injunctive relief;

(c) The termination of any current utility service being provided by the Town until such time as compliance is achieved;

(d) The installation, repair and/or replacement of a backflow preventer by the Town, or its agents, at the cost of the water customer or property owner; and

(e) Any other civil or criminal remedy available at law.

§ 228-26. -Severability.

The provisions of this ordinance are declared to be severable and if any section, sentence, clause or phrase of this ordinance shall for any reason be held by a court of competent jurisdiction to be invalid or unenforceable, such decision shall not affect the validity of the remaining terms, provisions, clauses, sentences, or sections of this ordinance

but they shall remain in effect, it being the legislative intent that this ordinance shall stand notwithstanding the invalidity of any part.

Section 2. Conflicts. All ordinances, resolutions, official determinations or parts thereof previously adopted or entered by the Town or any of its officials and in conflict with this ordinance are hereby repealed to the extent inconsistent herewith.

Section 3. Effective Date. This ordinance shall become effective upon its adoption by a majority of the members elected to the Commissioners of Bridgeville.

COMMISSIONERS OF BRIDGEVILLE

{Seal}

By:



ATTEST:



Reading: 5-9-2022

Adopted: 6-13-2022